

9202/1642
GAZ.



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

AN RE APPLICATION OF : Gavin Paul Vinson, et al.
OR : TYPE I ANGIOTENSIN II
RECEPTOR SPECIFIC MONOCLONAL
ANTIBODIES AND HYBRIDOMAS

SERIAL NO. : 09/540,816
FILED : March 31, 2000
EXAMINER : Geetha P. Bansal
GROUP ART UNIT : 1642
LAST OFFICE ACTION : June 25, 2001

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ATTORNEY DOCKET NO. : BKY 2 0040-1-1-1
Cleveland, Ohio 44114-2518
February 15, 2002

PETITION UNDER 37 C.F.R. 1.181(a) (3)

Assistant Commissioner for Patents

Washington, DC 20231

Dear Sir:

In the above-identified application, a Notice of Abandonment, Paper No. 4, was mailed by the U.S. Patent and Trademark Office on January 29, 2002. A copy is enclosed as Exhibit A hereto. It was stated in the Notice that applicant had failed to timely file a response to an outstanding Office Action. However, applicant did file such response. A copy of the response filed, Response To Restriction Requirement and Amendment (which was filed on July 24, 2001), is enclosed as Exhibit B hereto. This document was received by the U.S. Patent and Trademark Office as evidenced by the return receipt post card attached hereto as Exhibit C. It is apparent from the post

CERTIFICATE OF MAILING

I hereby certify that this Letter is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner For Patents, Washington, D.C. 20231, on February 15, 2002.

Kathleen A. Nimrichter
Kathleen A. Nimrichter

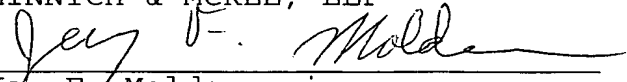
card that the mail room of the U.S. Patent and Trademark Office received applicant's response of Exhibit B on July 26, 2001.

In view of the foregoing, it is respectfully submitted that the Notice of Abandonment should be rescinded and that this application should be returned to the Examiner for further action.

Applicant believes that no fees are required for this Petition, however, should any fee be required, please charge such fee to applicant's Deposit Account No. 06-0308.

Respectfully submitted,

FAY, SHARPE, FAGAN,
MINNICH & MCKEE, LLP


Jay F. Moldovanyi

Reg. No. 29,678
1100 Superior Avenue, Suite 700
Cleveland, OH 44114-2518
(216) 861-5582



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/540,816	03/31/2000	Gavin Paul Vinson	BKY 2 040 -I- I- I	3602

7590

01/29/2002

Jay F Moldovanyi
Fay Sharpe Fagan Minnich & McKee LLP
1100 Superior Avenue 7th Floor
Cleveland, OH 44114-2518

RECEIVED

FEB 01 2002

**FAY, SHARPE, FAGAN,
MINNICH & MCKEE, LLP**

EXAMINER

BANSAL, GEETHA P

ART UNIT

PAPER NUMBER

1642

DATE MAILED: 01/29/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

EXHIBIT A

"DOCKETED"

09/540816	APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER NUMBER
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4

DATE MAILED:

NOTICE OF ABANDONMENT

This application is abandoned in view of:

- ☒ Applicant's failure to timely file a proper response to the Office letter mailed on _____.
- ☐ A response (with a Certificate of Mailing or Transmission of _____) was received on _____, which is after the expiration of the period for response (including a total extension of time of _____ month(s)) which expired on _____.
- ☐ A proposed response was received on _____, but it does not constitute a proper response to the final rejection.
- (A proper response to a final rejection consists only of: a timely filed amendment which places the application in condition for allowance; a Notice of Appeal; or the filing of a continuing application under 37 CFR 1.62 (FWC).)
- ☒ No response has been received.
- ☐ Applicant's failure to timely pay the required issue fee within the statutory period of three months from the mailing date of the Notice of Allowance.
- ☐ The issue fee (with a Certificate of Mailing or Transmission of _____) was received on _____.
- ☐ The submitted issue fee of \$ _____ is insufficient. The issue fee required by 37 CFR 1.18 is \$ _____.
- ☐ The issue fee has not been received.
- ☐ Applicant's failure to timely file new formal drawings as required in the Notice of Allowability.
- ☐ Proposed new formal drawings (with a Certificate of Mailing or Transmission of _____) were received on _____.
- ☐ The proposed new formal drawings filed _____ are not acceptable.
- ☐ No proposed new formal drawings have been received.
- ☐ The express abandonment under 37 CFR 1.62(g) in favor of the FWC application filed on _____.
- ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
- ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity) under 37 CFR 1.34(a) upon the filing of a continuing application.
- ☐ The decision by the Board of Patent Appeals and Interferences rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
- ☐ The reason(s) below:

Geetha P. Bansal
 GEETHA P. BANSAL
 PRIMARY EXAMINER

APPLICATION NUMBER	340816	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER NUMBER
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4

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- ☐ The decision by the Board of Patent Appeals and Interferences rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
- ☐ The reason(s) below:

Geetha P. Bansal
 GEETHA P. BANSAL
 PRIMARY EXAMINER

Attachment for PTO-948 (Rev. 03/01, or earlier)
6/18/01

The below text replaces the pre-printed text under the heading, "Information on How to Effect Drawing Changes," on the back of the PTO-948 (Rev. 03/01, or earlier) form.

INFORMATION ON HOW TO EFFECT DRAWING CHANGES

1. Correction of Informalities -- 37 CFR 1.85

New corrected drawings must be filed with the changes incorporated therein. Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and centered within the top margin. If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings **MUST** be filed within the **THREE MONTH** shortened statutory period set for reply in the Notice of Allowability. Extensions of time may **NOT** be obtained under the provisions of 37 CFR 1.136(a) or (b) for filing the corrected drawings after the mailing of a Notice of Allowability. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

2. Corrections other than Informalities Noted by Draftsperson on form PTO-948.

All changes to the drawings, other than informalities noted by the Draftsperson, **MUST** be made in the same manner as above except that, normally, a highlighted (preferably red ink) sketch of the changes to be incorporated into the new drawings **MUST** be approved by the examiner before the application will be allowed. No changes will be permitted to be made, other than correction of informalities, unless the examiner has approved the proposed changes.

Timing of Corrections

Applicant is required to submit the drawing corrections within the time period set in the attached Office communication. See 37 CFR 1.85(a).

Failure to take corrective action within the set period will result in **ABANDONMENT** of the application.



VINSON, et al.		NO.
Inventor/Applicant:	Pat. No.	09/540,816
Title: TYPE I ANGIOTENSION II RECEPTOR	Ser. No.	
Attorney Docket No. BKY 20040-1-111	Filed	March 31, 2000
	Date	July 24, 2001
<input type="checkbox"/> PATENT/DESIGN APPLICATION	<input checked="" type="checkbox"/> AMENDMENT (Due	XXX
New Application Transmittal	Transmittal(s)	
Cont. Div. C-I-P Provisional	Extension of Time (For	month(s))
CPA Transmittal		
Declaration/Power of Atty.		
pgs. Specification		
pgs. Claims		
total independent		
pgs. Abstract		
Sheet(s) of drawing(s)		
formal informal		
Preliminary Amendment		
Request and certification under		
35 U.S.C. 122(b)(2)(B)(i)		
Claim for Right of Priority		
Priority document(s)		
Small Entity Statement(s)		
Final Fee		
Reponse to missing parts		
<input type="checkbox"/> ASSIGNMENT		
Transmittal Confirmatory		
<input type="checkbox"/> INFORMATION DISCLOSURE STATEMENT		
PTO Form 1449 Refs.		

☐ CHECK(S) in Amount \$
☒ OTHER **return receipt postcard**

RECEIPT IS HEREBY ACKNOWLEDGED

"DOCKETED"

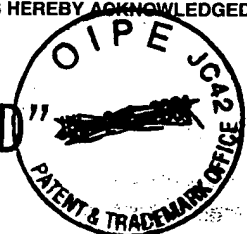


EXHIBIT C